

It is brought to the notice that I.A.No.XIV and I.A.No.XV are pending consideration.

Heard learned counsel for plaintiff and defendants on I.A.No.XIV and XV.

I.A.No.XIV is filed under Section 151 of CPC praying to re-open the case for further chief-examination and to mark the documents.

I.A.No.XV is filed under Section 151 and Order VII Rule 14 of CPC to receive three documents after condoning the delay.

Both the IAs were filed on 12.04.2023 when the case was posted for further cross-examination of P.W.1. The objections raised by the defendants is that the applications are filed belatedly and the documents are irrelevant and unnecessary.

At the stage of production of documents, it's admissibility need not be examined. Mere marking of document does not amount to its proof. Considering the IA averments it is necessary to permit the plaintiff to get the documents marked in evidence. The delay if any should be condoned by imposing cost. Accordingly, this Court deems fit to pass the following:-

### **ORDER**

I.A.No.XIV and I.A.No.XV filed by the plaintiff is hereby allowed on cost of Rs.250/- each.

The documents produced along with I.A.No.XV is received on record subject to proof, relevancy and admissibility. P.W.1 is hereby recalled for further chief-examination.

Learned counsel for defendant no.7(a) prays time for additional written statement. The original defendant no.7 has already filed written statement.

After appearance of defendant no.7(a) much time is taken. Hence, there is no ground made out to extend time for filing of additional written statement by defendant 7(a). Accordingly, the prayer of learned counsel for defendant no.7(a) is rejected and additional written statement of defendant no.7(a) is taken as nil.

Call on for further chief of P.W.1 by : 07.08.2023

***(Vignesh Kumar)***

Prl. Sr. Civil Judge and CJM.,  
Udupi.